

### REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

**5. Claims 1 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (6,038,333),**

**With regard to claim 1, Wang discloses a portable electronic device (See item 20, in Fig. 2) comprising a digital camera (item 23, in Fig. 3), and a processor configured to derive handwriting or control information from light received by the digital camera from a writing instrument (item 21, in Fig. 2) separate from the apparatus (col, 8, lines 6-32).**

**With regard to claim 42, in a portable electronic device comprising a digital camera and a processor, receiving images at the digital camera comprising light from a writing instrument separate from the device (the argument (presented above for claim 1, which is an apparatus claim and since an apparatus is defined by its functionality) is not repeated herein but is incorporated by reference), and deriving handwriting and control information from the image (See Figs 1-4; and col.8, lines 6-32).**

The applicant respectfully disagrees. Wang clearly states that the hand-held device “includes a *touch sensitive* screen display 22” and that the writing instrument 21 “allows input into the hand-held ... via the *touch sensitive* screen display 22” (emphasis added). The only described use of the camera is “to capture the input face image.” Wang says nothing about deriving handwriting or control information “*from light received by the digital camera* from a writing instrument ... separate from the apparatus” (emphasis added). Wang does not describe and would not have made obvious this feature of the claims.

**7. Claims 1, 6-7, 18, 26 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki, et al (US Patent Application Publication: 2003/0122804) in view of Wang (6,038,333).**

**With regard to claim 1, Yamazaki, et al discloses an apparatus comprising a portable electronic device, i.e. mobile telephone, a digital camera, i.e., CCD camera, associated with the portable electronic device, and a processor configured to derive handwriting, i.e., signature and/or handwriting, or control information from light received by the digital camera from a writing instrument i.e., writing tool "item 2, in Fig. 1 (See for example, pp, 4-5, paragraphs 0118-paragraph 0131; and Figs. 1 -5) (separate fi'om the apparatus). Yamazaki, et al does not expressly call for the writing instrument being separate from the apparatus. However, Wang (Item 21, in Fig. 2) teaches this feature. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching as taught by Wang into the system of Yamazaki, et al if for no other reason than to have a writing tool that is detachable from the mobile device, and to do would at least improve Yamazaki's system by also accepting input from a writing tool that is not fixed to the mobile system.**

The applicant disagrees. Although Wang discloses a physically separate stylus for use on a *touch screen*, it says nothing about using its camera to capture any handwriting or control information from the stylus. Separating the writing instrument of Yamazaki from the camera is not a trivial matter that would have been obvious from the fact that touch screen devices may work with physically separate styluses. To work with a separate writing instrument, as claimed, the camera would need to be configured, for example, to have an angle and a field of view configured to image a significant portion of the writing surface and a resolution sufficient to identify handwriting on that surface. In its writing mode, the camera of Yamazaki images only a small area directly in front of it, as it is designed to be moved with the writing instrument and always pointed directly at the location of the current writing (see ¶¶ 0113 – 0116). There is no indication that the wide-angle mode usable for taking pictures could be used to image writing over an area beyond the tip of the built-in pen (for example, there is no indication that it has sufficient resolution in the wide-angle mode to read handwriting). To use Yamazaki's camera with a separate writing instrument would require holding the two together, making the separateness of the writing instrument irrelevant. Wang does not suggest doing anything differently, because it does not describe using the camera to capture an image of the writing instrument at all.

In addition, claim 1 has been amended to state that the processor operates on light received by the camera from the writing instrument “when the writing instrument is used on a surface,” where both the writing instrument and the surface are “separate from the apparatus.” In both Wang and Yamazaki, at least two of the components are inseparable. Their combination would not have taught any way to separate all three components. Yamazaki's camera does not allow Wang to operate without a writing surface without integrating the pen into the camera, and Wang's writing surface gives no indication how Yamazaki's camera could operate separately from its pen without integrating the writing surface.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

**10. Claims 8, 9, 13, 16-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki, et al in view of Wang as applied to**

**claims 1, 6-7, 18, 26 and 42 above, and further in view of Sekendur (US Patent Application Publication: 2002/0118181).**

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**With regard to claim 13, the apparatus of claim 1 in which the processor is configured to define the mapping in response to calibration steps that includes a user marking three locations in the space in which the writing instrument is located (See for example, page 5, paragraph 0082, lines 9-15 of Sekendur).**

Claims 13 and 53 are patentable for at least the reasons for which claim 12, on which claim 13 depends, is patentable. In addition to the reasons for which claim 1 is patentable, the applicant disagrees with the examiner's characterization of what is disclosed in Sekendur. The applicant is uncertain what part of Sekendur the examiner is referring to, as there is no paragraph numbered 0082. Sekendur does make several references to "at least three points of position related data." However, one thing that is clear from Sekendur's description is what these three points are: "the CCD camera automatically detects at least *two* fixed reference points ... and triangulates them with *a writing element on the stylus*" to find the location of that writing element (§ 0050, emphasis added). That is, of the three points to which Sekendur refers, only two might be marked by the user. Further, Sekendur gives no indication that such points are marked as steps in a calibration process. To the contrary, it states that "the reference points are dynamic, in that, the CCD camera will select two fixed reference points based on a set of pre-determined criteria." None of Wells, Yamazaki, or Sekendur describe or would have made obvious defining a mapping as claimed "in response to calibration steps that include a user marking three locations."

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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No fees are believed to be due at this time. Please apply any charges or credits to deposit account 06-1050, attorney docket 19965-007001.

Respectfully submitted,

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